

AMENDED IN SENATE APRIL 22, 2009

SENATE BILL

No. 481

Introduced by Senator Cox
(Principal coauthor: Senator Steinberg)

February 26, 2009

An act to add Article 8 (commencing with Section 3470) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as amended, Cox. Airports: wildlife.

Existing law regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles. Existing law generally provides that a violation of fish and game laws is a crime.

This bill would provide that, ~~notwithstanding any other provision of law,~~ a public use airport certificated by the Federal Aviation Administration operating in the state that takes wildlife to protect public safety pursuant to federal law, including a federal depredation permit, does not violate state fish and game laws, *provided that the taking occurs on land owned or leased by the airport that is not habitat mitigation land, and there is no taking of an endangered species or candidate threatened or endangered species..*

The bill would require the airport to provide all federal reports required pursuant to a federal depredation permit to also be provided to the department and that the department be provided reasonable access to airport land to ensure compliance. The bill would allow the department to seek reimbursement from the airport for any actions taken by the department pursuant to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 8 (commencing with Section 3470) is added to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, to read:

Article 8. Management of Wildlife at Public Use Airports

3470. It is the policy of the state to actively encourage the safe and biologically sound management of wildlife resources on California's public use airports as regulated by the Federal Aviation Administration (FAA) and its agents. The Legislature recognizes that public use airports serving in the United States are operated according to regulations and policies promulgated by the FAA and federal law that protect the health, safety, and welfare of the public in compliance with applicable FAA regulations, standards, policies, and guidance, wildlife hazard management plans, and associated permits.

3471. The department recognizes that, in ~~its~~ *a public use airport's* ongoing efforts to protect the health, safety, and welfare of the traveling public in compliance with Federal Aviation Administration (FAA) regulations, and specifically Section 337 of Part 139 of Title 14 of the Code of Federal Regulations, it is necessary to perform *limited and authorized* wildlife hazing, harassment, and depredation. The department further recognizes that FAA certificated public use airports and their wildlife hazard management staff must harass, haze, or perform removal of species to protect the health, safety, and welfare of the public when authorized by a current, valid federal fish and wildlife depredation permit, even if these takings are prohibited by, or not addressed by, other provisions of this code.

~~3472. Notwithstanding any other provision of law, a public use airport certificated by the Federal Aviation Administration operating in the state that takes wildlife to protect public safety pursuant to federal law, including a federal depredation permit, does not violate any provision of this code or regulations adopted pursuant to this code: wildlife depredation permit.~~

3472. *A public use airport certificated by the Federal Aviation Administration to operate in California that has obtained, and is in compliance with, a federal depredation permit that authorizes,*

1 *under specified conditions, the lawful and incidental taking of*
2 *wildlife, does not violate any provision of this code or regulations*
3 *adopted pursuant to this code, if all of the following conditions*
4 *are met:*

5 *(a) The taking occurs on lands owned or leased by the airport.*

6 *(b) The taking does not occur on lands owned or leased by the*
7 *airport that are reserved for habitat mitigation purposes, including*
8 *lands in a habitat conservation plan, or a natural communities*
9 *conservation plan.*

10 *(c) There is no taking of a fully protected species or candidate,*
11 *threatened, or endangered species.*

12 *3472.1. A public use airport certificated by the Federal*
13 *Aviation Administration shall provide to the department all federal*
14 *reports required pursuant to any federal depredation permit, and*
15 *shall also provide reasonable access to the department for*
16 *purposes of ensuring compliance with this section. The department*
17 *may seek reimbursement from the public use airport for actions*
18 *taken pursuant to this section.*